

*Patent Appl'n Serial No. 09/926,697*

**REMARKS**

The amendments to claim 47 are based on claims 48-50, which are canceled without prejudice to reentry. The specification discloses that risk value is determined based on answers in the answer section and the risk values judgement criteria section, and that the overall risk value is calculated based on the determined risk value. It also discloses that tools effective for carrying out risk improvement are displayed in the means display section B11 (Fig. 4).

In response to the outstanding Action:

(1) Claims 47, 51, and 52 are under consideration.

(2) Claims 47-52 were rejected under 35 U.S.C. §101. This rejection is respectfully traversed.

(a) The Examiner states that independent claim 47 recites a system, but only dependent claim 52 recites a system.

(b) Claim 47 recites a "sheet." The Examiner proposes that this word refers to a software program. However, the figures show tables which can be embodied on, for example, paper (which is a kind of sheet). The Examiner is referred to the drawing descriptions spanning pages 9-10, which state that Applicants' views show "a first sheet," "a second sheet," etc. These figures clearly do not show computer code, or flowcharts.

The specification states at page 18, lines 8-10, that "The risk improvement table of the present invention may be provided using a medium such as paper, in which the risk improvement table is filled in using a writing implement." Also, the second paragraph on page 27 states that the risk improvement table described in the preceding pages may be part of a set that includes tools, and that the tools can include all sorts of media, including printed material and software.

(c) The Examiner asserts that only descriptive material, such as music or literature, is disclosed. The Applicants respectfully disagree, on the basis that the Applicants display

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measures of risk avoidance, re-examination scheduling, instructions, and improvement possibility. These are certainly useful and tangible, in the same way as a speedometer (a "risk-avoidance display"), a device for reading blood pressure, or a chart of normal growth and weight. Unlike the art, music, or photographs mentioned by the Examiner, the invention is useful, not aesthetic; and neither is it a compilation of facts or data, which is also mentioned.

(d) The Applicants' various claimed elements are in a *functional relationship* with each other, which implies that they are not simply descriptive material.

(e) The dependent claims, such as claim 51, recite auxiliary features which are also in functional relation with each other and the features of the independent claim.

(3) Claims 47-52 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

(a) The Examiner states that "it is unclear as to which statutory class [is claimed]." With respect, this is not a valid basis for rejection. An applicant is under no obligation to decide or point out which statutory class is being claimed; that is the examiner's job. Section 112 only requires the applicant to point out the subject matter, not the class of the subject matter.

(b) Here, the Applicants claim a sheet, which the Applicants suppose is can be taken as article of manufacture. However, the Examiner again states that a "system" is claimed and mentions "interrelationship to a computer" (page 4, line 7); this is traversed on the grounds above.

(c) The Examiner rejects the claims for "and/or." This is respectfully traversed for the record. However, the Applicants amend the language to advance the prosecution.

(5-6) Claims 47-50 are rejected under 35 U.S.C. §102(b) as being anticipated by Dewey, US 5,084,819. This rejection is respectfully traversed.

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Claim 47 is amended to recite the features of former claims 47-50, and now recites display of re-examination necessity and time, tools effective for risk improvement, and improvement possibility.

The Examiner is invited to consider the Applicants' figures, which exemplify the claimed features:

- a data gathering part (A11, Fig. 1, left);
- an answers section (A12);
- a judgement section (A31);
- a risk judgement part (A3);
- an overall risk display part (A4, Fig. 2) provided with a risk judgement criteria section (A21);
- an overall risk display section (A41);
- a risk avoidance measure display part (B1);

and so on. There are many interrelated features recited in claim 47, which together make up a consistent whole.

Dewey does not disclose all of these features, and cannot anticipate. Table 4 of Dewey shows guidance to quit smoking (col. 7, line 53), which might in some way correspond to the Applicants' claimed guidance display section. However, Dewey does not disclose any means display section in which are displayed tools that are effective for carrying out risk improvement in accordance with the guidance of the guidance display section.

Dewey does not disclose **all** of the Applicants' features, and therefore does not anticipate.

The Applicants' *means display section* is particularly important in achieving the Applicants' beneficial effects. Practical risk improvement tools can be suggested and proper guidance to patients and examinees is facilitated. And, finally, their risk of oral disease is decreased.

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(7-8) Claims 51 and 52 are also rejected under 35 U.S.C. §103(a) as being obvious over Dewey in view of Connelly. This rejection is respectfully traversed.

Neither of the applied references discloses the Applicants' guidance tools. Connelly relies on professional technique and knowledge. None of the Applicants' objects—determining the oral health of a single person, good oral hygiene habits, general health awareness, and so on—are disclosed or suggested.

Neither of the cited references discloses the guidance tools of claims 51 and 52.

In summary, the Applicants' sheet makes it possible for any person, even without professional help, to figure his or her risk, and avoid that risk. This is an advance in the art. Allowance is requested.

Respectfully submitted,

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